

CL-21-3894-A

CAUSE NO. _____

JULISSA ARRIANA ROJAS
Plaintiff§
§
§
§
§
§
§**IN THE COUNTY COURT**

VS.

AT LAW NO. _____**JORGE ALBERTO MORAZAN and**
COLD FREIGHT TRANSPORT, Individually
*Defendant***HIDALGO COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES **JULISSA ARRIANA ROJAS**, Plaintiff, and files this Original Petition, complaining of and about **JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT, Individually**, Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 3.

I.**PARTIES AND SERVICE**

Plaintiff, **JULISSA ARRIANA ROJAS**, is an individual who resides in Hidalgo County, Texas.

Defendant, **JORGE ALBERTO MORAZAN** is an Individual who is a resident of Los Angeles County and may be served by civil process service at 1140 N. Tamarind Avenue, Los Angeles, California 90038.

Defendant, **COLD FREIGHT TRANSPORT** is a corporation who is licensed to do business in California and may be served by serving its registered agent Armando Salcedo by civil process service at 7264 Berry Creek Street, Eastvale, CA 92880.

CL-21-3894-A**II.****JURISDICTION AND VENUE**

The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

This court has jurisdiction over the parties because the events or omission occurred in Hidalgo County, Texas at the time of the occurrence.

Venue is proper in this judicial district pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a)(2).

III.**FACTS**

This claim arises from a collision that occurred on November 21, 2019 wherein Julissa Arriana Rojas was the seat belted driver of a 2008 blue Saturn that was stationary over the railroad tracks at the 100 block of North 13th Street facing south, in Alamo, Texas. At the same time, a 2014 blue Kenworth T680 Tractor Trailer driven by Jorge Alberto Morazan, and owned by COLD FREIGHT TRANSPORT, was attempting a left turn at the same location. Mr. Morazan turn North onto 13th Street and as a result violently struck Ms. Rojas' vehicle.

Defendant, Jorge Alberto Morazan, breached his duty of care when he failed to maintain a proper lookout. Such negligent actions by Jorge Alberto Morazan in failing to control his speed and keep a proper lookout caused property damage and injuries to JULISSA ARRIANA ROJAS.

Defendant, Jorge Alberto Morazan, had a duty of care to drive in a careful and prudent manner and to exercise ordinary care. Defendant, Jorge Alberto Morazan, breached his duty of ordinary care by failing to control his speed in a manner of an ordinary prudent person. A driver utilizing ordinary care would have maintained a proper lookout and would have controlled his speed under the same or similar circumstances that proximately caused the motor vehicle accident, which was the proximate cause of JULISSA ARRIANA ROJAS' injuries and damages.

CL-21-3894-A

Defendant, Jorge Alberto Morazan's, breach of duty of care proximately caused bodily injuries, medical bills and property damages. Other damages sustained include mental anguish and emotional distress.

IV.**CAUSES OF ACTION**

Defendant, JORGE ALBERTO MORAZAN, had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

Defendant, JORGE ALBERTO MORAZAN, breached his duty of ordinary care.

Plaintiff, JULISSA ARRIANA ROJAS'S, injuries were proximately caused by Defendant, JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT'S, negligent, careless and reckless disregard of said duty of care.

The negligent, careless and reckless disregard of duty of Defendants, JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT, but is not limited to, the following acts and omissions:

- A. In that Defendant, JORGE ALBERTO MORAZAN, failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant, JORGE ALBERTO MORAZAN, failed to yield the right of way to Plaintiffs' motor vehicle in an effort to avoid the collision complained of;
- C. In that Defendant, JORGE ALBERTO MORAZAN was operating his motor vehicle at a *rate* of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances;
- D. In that Defendant, JORGE ALBERTO MORAZAN failed to apply his brakes to his motor vehicle in a timely and prudent manner and/or wholly failed to apply his brakes; and
- E. In that Defendant, COLD FREIGHT TRANSPORT negligently entrusted the

CL-21-3894-A

tractor trailer to Defendant, JORGE ALBERTO MORAZAN.

Based on the facts stated herein, Plaintiff requests damages be awarded to Plaintiff, JULISSA ARRIANA ROJAS, from Defendants, JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT.

V.**DAMAGES FOR PLAINTIFF, JULISSA ARRIANA ROJAS**

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, JULISSA ARRIANA ROJAS was caused to suffer injuries and damages and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, JULISSA ARRIANA ROJAS, for the necessary care and treatment of the injuries resulting from the wreck complained of herein and such charges are reasonable and were usual and customary charges for such services in Hidalgo County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past;
- J. Mental anguish in the future;
- K. Fear of future medical condition; and
- L. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, JULISSA ARRIANA ROJAS, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an

CL-21-3894-A

amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

PLAINTIFF HEREBY DEMAND TRIAL BY JURY

Respectfully submitted,

LAW OFFICE OF CARLOS R. GALVAN
3525 W. Freddy Gonzalez, Suite C
Edinburg, Texas 78539
Telephone No. (956) 287-7777
Fax No. (956) 435-0038
carlos@galvanlawyers.com

/s/ Carlos R. Galvan
Carlos R. Galvan
State Bar No.: 24076392